

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**JEFFREY WALKER AND SHANNA
BOWEN, BOTH INDIVIDUALLY AND AS
NEXT FRIEND OF ANICIA WALKER,
THEIR MINOR DAUGHTER**

Plaintiff

VS.

UNITED STATES OF AMERICA

Defendant

CIVIL ACTION NO. A06CA138SS

AGREED ORDER APPROVING SETTLEMENT

On this day, the above-referenced matter came for approval by the Court as to the reasonableness of a settlement between the United States of America and Jeffrey Walker and Shanna Bowen, both Individually and as next friend of Anicia Walker, their minor daughter.

The complete and precise terms and conditions of the settlement are set forth in the Stipulation For Compromise Settlement And Release Of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677 (hereinafter “Stipulation For Compromise”), attached as Exhibit “A”. The Court has reviewed the Stipulation For Compromise. The Court is fully informed of the specifics of the full and final terms and conditions of the settlement. The Court finds that this settlement is fair, reasonable, and in the best interests of Plaintiff Jeffrey Walker and Shanna Bowen, both Individually and as next friend of Anicia Walker, their minor daughter. The Court additionally understands that this settlement is contingent upon the satisfaction of the terms set forth in Exhibit A,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the settlement, as set forth in Exhibit A is hereby approved. It is further Ordered that Jeffrey Walker and Shanna Bowen, and the attorneys of record for the Plaintiffs are authorized and required to sign the Stipulation For Compromise, along with any other documents that are necessary to consummate this settlement on behalf of all Plaintiffs.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that in accordance with the Stipulation for Compromise, the United States of America shall pay the sum of four hundred sixty five thousand dollars (\$465,000.00) (hereinafter "settlement amount), which sum shall be in full settlement and satisfaction of any and all claims, demands, rights and causes of action of whatsoever kind and nature, arising from, and by reason of any and all known and unknown, foreseen and unforeseen bodily and personal injuries, damage to property and the consequences thereof, resulting from the subject matter of this settlement, including any claims for wrongful death for which Plaintiff, Anicia Walker or her guardians, heirs, executors, administrators, or assigns, and each of them, now have or may hereafter acquire against the United States of America, its agents, servants, and employees.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the settlement amount shall be distributed according to the terms and conditions of the Stipulation For Compromise. It is further Ordered that attorneys' fees in this action shall be twenty-five percent (25%) of \$465,000.00 and shall be paid as provided in the Stipulation For Compromise. The Court finds that the costs, including Guardian Ad Litem fees, and expenses associated with the litigation are fair, reasonable, and necessary. The Court finds further that the Guardian Ad Litem's services in this case were in the capacity of assessing his ward's, Anicia Walker, potential claims of entitlement and deciding what course of action should be taken on behalf of

his ward, Anicia Walker. It is hereby Ordered that such costs, including Guardian Ad Litem fees, and expenses are approved and are to be paid out of the settlement amount and not in addition thereto.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon receipt of the settlement amount, and after all attorneys fees, guardian ad litem fees, costs, and expenses are paid, \$5,000.00 of the remaining settlement amount shall be paid to Jeffrey Walker, Individually, and \$5,000.00 of the remaining settlement amount shall be paid to Shanna Bowen, Individually.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon receipt of the settlement amount, after all attorneys fees, guardian ad litem fees, costs, and expenses are paid, and after the disbursement of \$5,000.00 each to Jeffrey Walker and Shanna Bowen, individually, the remaining settlement amount shall be paid into the section 142.005 Anicia Walker Trust.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs, upon final execution of the Stipulation for Compromise and after the payment of the settlement amount by the United States, shall cause to be filed with the Court a dismissal of this action with prejudice, with each party bearing its own costs, expenses, and fees.

Dated this _____ day of _____, 2006.

HONORABLE SAM SPARKS
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

/s/ Michael Archuleta

Michael Archuleta

Attorney for Plaintiffs

/s/ Neal Hardin

Neal Hardin, as Guardian Ad Litem

For Anicia Walker

Date: 10/25/06

Date: 10/25/06

/s/ Harold Brown

Harold Brown,

Attorney for United States of America

Date: 10/25/06

/s/ Jim Jennings

Jim Jennings

Attorney for United States of America

Date: 10/25/06